



Rep. Sonya M. Harper

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LRB100 01841 RPS 22743 a

1 AMENDMENT TO HOUSE BILL 134

2 AMENDMENT NO. _____. Amend House Bill 134 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Consumer Installment Loan Act is amended by
5 changing Section 17.5 as follows:

6 (205 ILCS 670/17.5)

7 Sec. 17.5. Consumer reporting service.

8 (a) For the purpose of this Section, "certified database"
9 means the consumer reporting service database established
10 pursuant to the Payday Loan Reform Act.

11 (b) Within 90 days after making a small consumer loan, a
12 licensee shall enter information about the loan into the
13 certified database.

14 (c) For every small consumer loan made, the licensee shall
15 input the following information into the certified database
16 within 90 days after the loan is made:

1 (i) the consumer's name and official identification
2 number (for purposes of this Act, "official identification
3 number" includes a Social Security Number, an Individual
4 Taxpayer Identification Number, a Federal Employer
5 Identification Number, an Alien Registration Number, or an
6 identification number imprinted on a passport or consular
7 identification document issued by a foreign government);

8 (ii) the consumer's gross monthly income;

9 (iii) the date of the loan;

10 (iv) the amount financed;

11 (v) the term of the loan;

12 (vi) the acquisition charge;

13 (vii) the monthly installment account handling charge;

14 (viii) the verification fee;

15 (ix) the number and amount of payments; and

16 (x) whether the loan is a first or subsequent
17 refinancing of a prior small consumer loan.

18 (d) Once a loan is entered with the certified database, the
19 certified database shall provide to the licensee a dated,
20 time-stamped statement acknowledging the certified database's
21 receipt of the information and assigning each loan a unique
22 loan number.

23 (e) The licensee shall update the certified database within
24 90 days if any of the following events occur:

25 (i) the loan is paid in full by cash;

26 (ii) the loan is refinanced;

1 (iii) the loan is renewed;

2 (iv) the loan is satisfied in full or in part by
3 collateral being sold after default;

4 (v) the loan is cancelled or rescinded; or

5 (vi) the consumer's obligation on the loan is otherwise
6 discharged by the licensee.

7 (f) To the extent a licensee sells a product or service to
8 a consumer, other than a small consumer loan, and finances any
9 portion of the cost of the product or service, the licensee
10 shall, in addition to and at the same time as the information
11 inputted under subsection (d) of this Section, enter into the
12 certified database:

13 (i) a description of the product or service sold;

14 (ii) the charge for the product or service; and

15 (iii) the portion of the charge for the product or
16 service, if any, that is included in the amount financed by
17 a small consumer loan.

18 (g) The certified database provider shall indemnify the
19 licensee against all claims and actions arising from illegal or
20 willful or wanton acts on the part of the certified database
21 provider. The certified database provider may charge a fee not
22 to exceed \$1 for each loan entered into the certified database
23 under subsection (d) of this Section. The database provider
24 shall not charge any additional fees or charges to the
25 licensee.

26 (h) All personally identifiable information regarding any

1 consumer obtained by way of the certified database and
2 maintained by the Department is strictly confidential and shall
3 be exempt from disclosure under subsection (c) of Section 7 of
4 the Freedom of Information Act.

5 (i) A licensee who submits information to a certified
6 database provider in accordance with this Section shall not be
7 liable to any person for any subsequent release or disclosure
8 of that information by the certified database provider, the
9 Department, or any other person acquiring possession of the
10 information, regardless of whether such subsequent release or
11 disclosure was lawful, authorized, or intentional.

12 (j) To the extent the certified database becomes
13 unavailable to a licensee as a result of some event or events
14 outside the control of the licensee or the certified database
15 is decertified, the requirements of this Section and Section
16 17.4 of this Act are suspended until such time as the certified
17 database becomes available.

18 (k) To provide for a more detailed analysis and monitoring
19 of small-dollar lending in this State, the Department shall
20 publish on its website loan-level information entered into the
21 certified database that includes, but is not limited to, loan
22 terms, features, and borrower income but does not include any
23 personally identifiable information as described in subsection
24 (h) of this Section.

25 (Source: P.A. 96-936, eff. 3-21-11; 97-813, eff. 7-13-12.)".